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EXAMINER
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WANG, BEN C

ART UNIT	PAPER NUMBER
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2192

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/23/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/688,640

Applicant(s)

KOKKINEN, ANTTI

Examiner

Ben C. Wang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/24/2004</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. Claims 1-24 are pending in this application and presented for examination.

#### ***Claim Rejections – 35 USC § 102(e)***

2. The following is quotation of 35 U.S.C. 102(e) which form the basis for all obviousness rejections set forth in this office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 5-7, 12, 19, and 21-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Ayres et al. (Pat. No. US 6,389,592 B1) (hereinafter 'Ayres').

4. **As to claim 1**, Ayres discloses a method for updating software (Col. 1, Lines 40-43, Lines 45-47; Col. 4, Lines 12-18) in an electronic device (Col. 1, Line 57 – client computer), the method comprising: generating an update package (Col. 1, Lines 50-54) for updating at least one software application, the update package being generated based upon at least one reference software (Col. 1, Lines 48-50 – a delta file; Col. 1, Lines 62 through Col. 2, Line 7; Fig. 4; Col. 2, Lines 25-26; Col. 2, Lines 46-52; Col. 2, Line 62 through Col. 3, Line 4; Col. 3, Lines 59-64) installed on the electronic device; and updating the at least one software application (Col. 1, Lines 54-57) using the update package.

5. **As to claim 12**, Ayres discloses a system for updating software (Col. 1, Lines 40-43, Lines 45-47; Col. 4, Lines 12-18), the system comprising: an electronic device capable of having software installed thereon (Col. 1, Lines 54-57); a software delivery device for receiving and installing a reference software (Col. 1, Lines 48-50 – a delta file; Col. 1, Lines 62 through Col. 2, Line 7; Fig. 4; Col. 2, Lines 25-26; Col. 2, Lines 46-52; Col. 2, Line 62 through Col. 3, Line 4; Col. 3, Lines 59-64) to the electronic device if the electronic device does not have the reference software previously installed; and the software delivery device receiving and delivering at least one update package (Col. 1, Lines 50-54) to the electronic device, wherein the reference software facilitates, using the at least one update package, at least one update to application software installed on the electronic device (Col. 1, Lines 45-57).

6. **As to claim 21**, Ayres discloses a method for updating software (Col. 1, Lines 40-43, Lines 45-47; Col. 4, Lines 12-18) in an electronic device (Col. 1, Line 57 – client computer), the method comprising: generating a first update package (Col. 1, Lines 50-54; Col. 2, Lines 53-56) for updating at least one software application, the first update package being generated based upon difference information (Col. 1, Lines 48-50) between first and second software versions; generating a second update package (Col. 1, Lines 50-54; Col. 2, Lines 53-56) for updating the at least one software application, the second update package being generated based upon difference information (Col. 1, Lines 48-50) between first and third software versions; generating a third update

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package (Col. 1, Lines 50-54; Col. 2, Lines 53-56) for updating the at least one software application, the third update package being generated based upon difference information (Col. 1, Lines 48-50) between the first and second update packages; and updating the at least one software application (Col. 1, Lines 54-57) using the third update package.

7. **As to claim 22**, Ayres discloses a method for updating software (Col. 1, Lines 40-43, Lines 45-47; Col. 4, Lines 12-18) in an electronic device (Col. 1, Line 57 – client computer), the method comprising: generating a first update package (Col. 1, Lines 50-54; Col. 2, Lines 53-56) for updating at least one software application, the first update package being generated based upon difference information (Col. 1, Lines 48-50) between a first software version and a reference software corresponding to the at least one software application; generating a second update package (Col. 1, Lines 50-54; Col. 2, Lines 53-56) for updating the at least one software application, the second update package being generated based upon difference information (Col. 1, Lines 48-50) a second software version and the reference software corresponding to the at least one software application; generating a third update package (Col. 1, Lines 50-54; Col. 2, Lines 53-56) for updating the at least one software application, the third update package being generated based upon difference information (Col. 1, Lines 48-50) between the first and second update packages; and updating the at least one software application (Col. 1, Lines 54-57) using the third update package.

8. **As to claim 23**, Ayres discloses a system for updating software (Col. 1, Lines 40-43, Lines 45-47), the system comprising: an electronic device capable of having software installed thereon (Col. 1, Lines 54-57); a first update package generator for generating update packages (Col. 1, Lines 50-54; Col. 2, Lines 53-56) based upon difference information (Col. 1, Lines 48-50) between different versions of software; a second update package generator for generating update packages (Col. 1, Lines 50-54; Col. 2, Lines 53-56) based upon difference information (Col. 1, Lines 48-50) between different update packages; and a software delivery device for delivering at least one update package generated based upon difference information between different update packages to the electronic device (Col. 1, Lines 45-57).

9. **As to claim 24**, Ayres discloses a system for updating software (Col. 1, Lines, 40-43, Lines 45-47), the system comprising: an electronic device capable of having software installed thereon (Col. 1, Lines 54-57); a first update package generator for generating update packages (Col. 1, Lines 50-54; Col. 2, Lines 53-56) based upon difference information (Col. 1, Lines 48-50) between a version of software and a reference software corresponding to at least one software application; a second update package generator for generating update packages (Col. 1, Lines 50-54; Col. 2, Lines 53-56) based upon difference information (Col. 1, Lines 48-50) between different update packages; and a software delivery device for delivering at least one update package (Col. 1, Lines 50-54; Col. 2, Lines 53-56) generated based upon difference information (Col. 1, Lines 48-50) between different update packages to the electronic device.

10. **As to claim 2**, Ayres discloses the method wherein generating an update package (Col. 1, Lines 50-54; Col. 2, Lines 53-56) for updating the at least one software application based upon the at least one reference software (Col. 1, Lines 48-50 – a delta file; Col. 1, Lines 62 through Col. 2, Line 7; Fig. 4; Col. 2, Lines 25-26; Col. 2, Lines 46-52; Col. 2, Line 62 through Col. 3, Line 4; Col. 3, Lines 59-64) installed on the electronic device comprises: accessing a copy of the at least one reference software (Col. 1, Lines 48-50); retrieving a copy of the at least one software application (Col. 1, Lines 50-52); and generating an update package (Col. 1, Lines 52-57).

11. **As to claim 5**, Ayres discloses the method further comprising installing the at least one software application (Col. 1, Lines 50-52) and the at least one reference software (Col. 1, Lines 48-50 – a delta file; Col. 1, Lines 62 through Col. 2, Line 7; Fig. 4; Col. 2, Lines 25-26; Col. 2, Lines 46-52; Col. 2, Line 62 through Col. 3, Line 4) as part of a single installation (Col 1, Lines 54-57).

12. **As to claim 6**, Ayres discloses the method further comprising updating the at least one reference software (Col. 1, Lines 48-50 – a delta file; Col. 1, Lines 62 through Col. 2, Line 7; Fig. 4; Col. 2, Lines 25-26; Col. 2, Lines 46-52; Col. 2, Line 62 through Col. 3, Line 4) and updating the at least one software application as part of a single update (Col. 1, Lines 50-54).

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13. **As to claim 7**, Ayres discloses the method wherein the at least one software application comprises a plurality of software applications (Col. 4, Lines 51-53), and the at least one reference software comprises a plurality of reference software (Col. 2, Lines 9-14).

14. **As to claim 19**, Ayres discloses the system wherein the software delivery device is one of a server (Col. 1, Lines 40-43), a CDROM, and a network (Col. 1, Lines 6-9).

***Claim Rejections – 35 USC § 103(a)***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 3-4, 8-11, 13-18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ayres in view of P. J. O'Neill (Pub. No. US 2004/0215755 A1) (hereinafter 'O'Neill').

17. **As to claim 3**, Ayres discloses the method wherein generating an update package (Col. 1, Lines 50-54) for updating at least one software application based upon the at least one reference software (Col. 1, Lines 48-50 – a delta file; Col. 1, Lines 62 through Col. 2, Line 7; Fig. 4; Col. 2, Lines 25-26; Col. 2, Lines 46-52; Col. 2, Line 62



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through Col. 3, Line 4; Col. 3, Line 59-64) installed on the electronic device (Col. 1, Lines 48-50) comprises: accessing a copy of the at least one reference software (Col. 1, Lines 48-50); and generating an update package (Col. 1, Lines 50-54) comprising all transitions between the retrieved versions of the at least one software application (Col. 1, Lines 45-57).

But, Ayres does not disclose retrieving a copy of each of multiple versions of the at least one software application.

However, in an analogous art of system and method for updating and distributing information, O'Neill discloses retrieving a copy of each of multiple versions of the at least one software application (Fig. 1A, elements 106, 108; [0067], Lines 1-6).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to combine the teachings of Ayres and the teachings of O'Neill to further retrieve a copy of each of multiple versions of the at least one software application in Ayres system.

The motivation is an improved ability to generate update information as needed and, additionally, allow users to proceed through a simplified update path, which is not error-prone, and can be performed more quickly than through the use of existing technologies as once suggested by O'Neill (i.e., Abstract)

18. **As to claim 4**, Ayres does not disclose the method further comprising updating multiple update versions of the at least one software application installed on the electronic device is performed using a single update package.

However, in an analogous art of system and method for updating and distributing information, O'Neill discloses the method further comprising updating multiple update versions of the at least one software application installed on the electronic device is performed using a single update package (Fig. 1A, elements 106, 108; [0067], Lines 1-6).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to combine the teachings of Ayres and the teachings of O'Neill to further provide system and method for updating and distributing information, O'Neill discloses the method further comprising updating multiple update versions of the at least one software application installed on the electronic device is performed using a single update package in Ayres system.

The motivation is an improved ability to generate update information as needed and, additionally, allow users to proceed through a simplified update path, which is not error-prone, and may be performed more quickly than through the use of existing technologies as once suggested by O'Neill (i.e., Abstract).

19. **As to claim 8**, Ayres discloses the method further comprising: identifying whether a reference software corresponding to the software application needing updating is present on the electronic device, wherein if the reference software is not present, then installing the software application and an associated reference software in a single update on the electronic device (Col.1, Lines 45-57).

But, Ayres does not disclose identifying a software application needing updating from the plurality of software applications installed on the electronic device.

However, in an analogous art of system and method for updating and distributing information, O'Neill discloses identifying a software application needing updating from the plurality of software applications installed on the electronic device (Fig. 2A, element 210; [0063], Lines 6-9).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to combine the teachings of Ayres and the teachings of O'Neill to further identify a software application needing updating from the plurality of software applications installed on the electronic device in Ayres system.

The motivation is an improved ability to generate update information as needed and, additionally, allow users to proceed through a simplified update path, which is not error-prone, and may be performed more quickly than through the use of existing technologies as once suggested by O'Neill (i.e., Abstract).

20. **As to claim 9**, Ayres does not disclose the method further comprising: identifying a software application needing updating from the plurality of software applications installed on the electronic device; and identifying whether a reference software corresponding to the software application needing updating is present on the electronic device, wherein if the reference software is present, then retrieving an update package for the software application needing updating; verifying the update package; and installing the update package on the electronic device.

However, in an analogous art of system and method for updating and distributing information, O'Neill discloses the method further comprising: identifying a software application needing updating from the plurality of software applications installed on the electronic device (Fig. 2A, element 210; [0063], Lines 6-9); and identifying whether a reference software corresponding to the software application needing updating is present on the electronic device (Fig. 2A, element 210; [0063], Lines 6-9), wherein if the reference software is present, then retrieving an update package for the software application needing updating ([0056], Lines 20-29); verifying the update package (Col. 22, Line 54 – verifying the received update package); and installing the update package on the electronic device (Fig. 2A; [0062], Lines 1-4).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to combine the teachings of Ayres and the teachings of O'Neill to further provide the method further comprising: identifying a software application needing updating from the plurality of software applications installed on the electronic device; and identifying whether a reference software corresponding to the software application needing updating is present on the electronic device, wherein if the reference software is present, then retrieving an update package for the software application needing updating; verifying the update package; and installing the update package on the electronic device in Ayres system.

The motivation is an improved ability to generate update information as needed and, additionally, allow users to proceed through a simplified update path, which is not

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error-prone, and may be performed more quickly than through the use of existing technologies as once suggested by O'Neill (i.e., Abstract).

21. **As to claim 10**, Ayres does not disclose the method further comprising: identifying a software application needing updating from the plurality of software applications installed on the electronic device; determining if the update is needed immediately; and storing the update until the update is needed immediately.

However, in an analogous art of system and method for updating and distributing information, O'Neill discloses the method further comprising: identifying a software application needing updating from the plurality of software applications installed on the electronic device (Fig. 2A, element 210; [0063], Lines 6-9); determining if the update is needed immediately ([0050], Lines 11-13; [0012], Lines 6-11; [0045], Lines 1-9, 16-17) and storing the update until the update is needed immediately ([0073], Lines 8-22).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to combine the teachings of Ayres and the teachings of O'Neill to further provide the method further comprising: identifying a software application needing updating from the plurality of software applications installed on the electronic device; determining if the update is needed immediately; and storing the update until the update is needed immediately in Ayres system.

The motivation is an improved ability to generate update information as needed and, additionally, allow users to proceed through a simplified update path, which is not

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error-prone, and may be performed more quickly than through the use of existing technologies as once suggested by O'Neill (i.e., Abstract).

22. **As to claim 11**, Ayres does not disclose the method wherein when the update is determined to be needed immediately, then invoking an update agent to employ at least the stored update package and reference software; and updating the software application with the update package.

However, in an analogous art of system and method for updating and distributing information, O'Neill discloses the method wherein when the update is determined to be needed immediately ([0050], Lines 11-13; [0012], Lines 6-11; [0045], Lines 1-9, 16-17), then invoking an update agent to employ at least the stored update package and reference software ([0126], Lines 1-3; [0142]; [0152], Lines 8-11; [0163], Lines 11-14); and updating the software application with the update package ([0067], Lines 1-6; [0157], Lines 11-13).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to combine the teachings of Ayres and the teachings of O'Neill to further provide the method wherein when the update is determined to be needed immediately, then invoking an update agent to employ at least the stored update package and reference software; and updating the software application with the update package in Ayres system.

The motivation is an improved ability to generate update information as needed and, additionally, allow users to proceed through a simplified update path, which is not

error-prone, and may be performed more quickly than through the use of existing technologies as once suggested by O'Neill (i.e., Abstract).

23. **As to claim 13**, Ayres does not disclose the system wherein the electronic device further comprises an update agent, the update agent being capable of employing the reference software in conjunction with any retrieved update package to generate updated versions of the application software and also being capable of updating a plurality of application software employing reference software associated with each application software.

However, in an analogous art of system and method for updating and distributing information, O'Neill discloses the system wherein the electronic device further comprises an update agent (Fig. 1C, element 134; [0056], Lines 20-29), the update agent being capable of employing the reference software in conjunction with any retrieved update package to generate updated versions of the application software ([0060], Lines 1-6, 8-15) and also being capable of updating a plurality of application software employing reference software associated with each application software (Fig. 1B, elements 110a, 110b, 110c; [0061], Lines 15-21; [0043], Lines 30-32).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to combine the teachings of Ayres and the teachings of O'Neill to further provide the system wherein the electronic device further comprises an update agent, the update agent being capable of employing the reference software in conjunction with any retrieved update package to generate updated versions of the application software and also being capable of updating a plurality of application

software employing reference software associated with each application software in Ayres system.

The motivation is an improved ability to generate update information as needed and, additionally, allow users to proceed through a simplified update path, which is not error-prone, and may be performed more quickly than through the use of existing technologies as once suggested by O'Neill (i.e., Abstract).

24. **As to claim 14**, Ayres does not disclose the system further comprising an update generating system, the update generating system comprising a loader manager, the loader manager: managing loading of application software and application software version updates from the software delivery device; employing a loader from a loader module; and employing security services to authenticate software being delivered.

However, in an analogous art of system and method for updating and distributing information, O'Neill discloses the system further comprising an update generating system (Fig. 1B, element 102), the update generating system comprising a loader manager (Fig. 1C, element 136; Fig. 1D, elements 136a, 136b, 136c), the loader manager: managing loading of application software and application software version updates from the software delivery device ([0056], Lines 20-29; [0058]; [0059]; [0060], Lines 8-21); employing a loader from a loader module ([0116], [0118], Lines 22-26; [0119], Lines 1-3); and employing security services (Fig. 12, element 1414; [0118], Lines 26-29; [0159], Lines 1-3; [0159], Lines 3-11) to authenticate software being delivered.



Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to combine the teachings of Ayres and the teachings of O'Neill to further provide the system further comprising an update generating system, the update generating system comprising a loader manager, the loader manager: managing loading of application software and application software version updates from the software delivery device; employing a loader from a loader module; and employing security services to authenticate software being delivered in Ayres system.

The motivation is an improved ability to generate update information as needed and, additionally, allow users to proceed through a simplified update path, which is not error-prone, and may be performed more quickly than through the use of existing technologies as once suggested by O'Neill (i.e., Abstract).

25. **As to claim 15**, Ayres does not disclose the system wherein the loader manager further comprises an installation agent for installing application software and downloading files from the software delivery device.

However, in an analogous art of system and method for updating and distributing information, O'Neill discloses the system wherein the loader manager further comprises an installation agent for installing application software (Fig. 2A; Fig. 2B; [0024]; [0025]; [0062], Lines 1-4; [0063]) and downloading files (Fig. 8B, 1020; [0116]; [0119], Lines 1-3) from the software delivery device.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to combine the teachings of Ayres and the teachings of O'Neill to further provide the system wherein the loader manager further comprises an

installation agent for installing application software and downloading files from the software delivery device in Ayres system.

The motivation is an improved ability to generate update information as needed and, additionally, allow users to proceed through a simplified update path, which is not error-prone, and may be performed more quickly than through the use of existing technologies as once suggested by O'Neill (i.e., Abstract).

26. **As to claim 16**, Ayres does not disclose the system wherein the loader manager is adapted to: identify an application software needing updating; identify whether reference software associated with the application software needing updating exists; and coordinating an update of the application software and an associated reference software in a single update.

However, in an analogous art of system and method for updating and distributing information, O'Neill discloses the system wherein the loader manager is adapted to: identify an application software needing updating (Fig. 2A, element 210; [0063], Lines 6-9); identify whether reference software associated with the application software needing updating exists (Fig. 2A, element 210; [0063], Lines 6-9; [0064], Lines 9-14; [0065], Lines 1-6); and coordinating an update of the application software and an associated reference software in a single update ([0047], Lines 1-6; [0061], Lines 15-21; [0123], Lines 1-4).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to combine the teachings of Ayres and the teachings of

O'Neill to further provide the system wherein the loader manager is adapted to: identify an application software needing updating; identify whether reference software associated with the application software needing updating exists; and coordinating an update of the application software and an associated reference software in a single update in Ayres system.

The motivation is an improved ability to generate update information as needed and, additionally, allow users to proceed through a simplified update path; which is not error-prone, and may be performed more quickly than through the use of existing technologies as once suggested by O'Neill (i.e., Abstract).

27. **As to claim 17**, Ayres does not disclose the system wherein the loader manager is adapted to: retrieve the update package; access contents of the update package; and verify the update package.

However, in an analogous art of system and method for updating and distributing information, O'Neill discloses the system wherein the loader manager is adapted to: retrieve the update package ([0042], Lines 20-22; [0047], Lines 7-12; [0064], Lines 9-14)); access contents of the update package ([0081], Lines 14-18; [0120], Lines 9-14); and verify the update package ([0160], Lines 10-17; P. 22, right-column, Line 54).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to combine the teachings of Ayres and the teachings of O'Neill to further provide the system wherein the loader manager is adapted to: retrieve the update package; access contents of the update package; and verify the update package in Ayres system.

The motivation is an improved ability to generate update information as needed and, additionally, allow users to proceed through a simplified update path, which is not error-prone, and may be performed more quickly than through the use of existing technologies as once suggested by O'Neill (i.e., Abstract).

28. **As to claim 18**, Ayres does not disclose the system wherein the loader manager is adapted to determine immediacy of a needed update for a particular application software.

However, in an analogous art of system and method for updating and distributing information, O'Neill discloses the system wherein the loader manager is adapted to determine immediacy of a needed update for a particular application software ([0049], Lines 12-27; [0062], Lines 15-24).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to combine the teachings of Ayres and the teachings of O'Neill to further provide the system wherein the loader manager is adapted to determine immediacy of a needed update for a particular application software in Ayres system.

The motivation is an improved ability to generate update information as needed and, additionally, allow users to proceed through a simplified update path, which is not error-prone, and may be performed more quickly than through the use of existing technologies as once suggested by O'Neill (i.e., Abstract).

29. **As to claim 20**, Ayres discloses the system wherein the electronic device is one of a computer (Col. 1, Line 57).

But, Ayres does not disclose the system wherein the electronic device is one of a digital phone, and a digital camera.

However, in an analogous art of system and method for updating and distributing information, O'Neill discloses the system wherein the electronic device is one of a digital phone, and a digital camera ([0040], Lines 24-30)

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to combine the teachings of Ayres and the teachings of O'Neill to further provide the system wherein the electronic device is one of a digital phone, and a digital camera in Ayres system.

The motivation is an improved ability to generate update information as needed and, additionally, allow users to proceed through a simplified update path, which is not error-prone, and may be performed more quickly than through the use of existing technologies as once suggested by O'Neill (i.e., Abstract).

### ***Conclusion***

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Sliger et al., *Method and System for Updating Software with Smaller Patch Files* (Pat. No. US 6,938,109 B1).

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- Hirai et al., *Computer and Computer Readable Recording Medium on Which Program is Recorded* (Pub. No. US 2001/0044934 A1).

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ben C. Wang whose telephone number is 571-270-1240. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BCW



February 5, 2007



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SUPERVISORY PATENT EXAMINER